

N.J.A.C. 7:27-31

ADVANCED CLEAN TRUCKS PROGRAM

Statutory Authority: N.J.S.A. 13:1B-3(e), 13:1D-9, 26:2C-1 et seq., particularly 26:2C-8.1 et seq.,
26:2C-37 et seq., and 48:25-1 et seq.

Rule effective date: December 20, 2021

Rule expiration date: Exempt, N.J.A.C. 7:27

For regulatory history and effective dates see the New Jersey Administrative Code

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7:27-31.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

"California Air Resources Board" or "CARB" means the agency, or its successor agency, established and empowered to regulate sources of air pollution in the State of California, including motor vehicles, pursuant to section 39003, California Health & Safety Code, 1999, as amended or supplemented.

"CCR" means the California Code of Regulations.

"Department" means the New Jersey Department of Environmental Protection.

"GVWR" shall have the same meaning as the term "gross vehicle weight rating" as defined at 13 CCR § 1963(c).

"NZEV" shall have the same meaning as the term "near-zero-emission vehicle" as defined at 13 CCR § 1963(c).

"Person" means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies, and shall also include, without limitation, all political subdivisions of any states, and any agencies or instrumentalities thereof.

"Ultimate purchaser" means, with respect to any vehicle, the first person who in good faith purchases a new motor vehicle for purposes other than resale and registers it with the New Jersey Motor Vehicle Commission.

"ZEV" shall have the same meaning as the term "zero-emission vehicle" as defined at 13 CCR § 1963(c).

7:27-31.2 Purpose

This subchapter establishes, in New Jersey, a program to reduce emissions from on-road vehicles over 8,500 pounds GVWR by incorporating the requirements of the California Advanced Clean Truck regulation, and is intended to accelerate sales of zero-emission vehicles over 8,500 pounds GVWR.

7:27-31.3 Applicability

(a) Upon publication, in the Federal Register, of the final notice of California's receipt of a waiver from the United States Environmental Protection Agency, pursuant to 42 U.S.C. § 7543, for the Advanced Clean Truck Regulation, set forth at 13 CCR §§ 1963 through 1963.5, this subchapter shall apply to:

1. Any manufacturer that produces on-road vehicles over 8,500 pounds GVWR manufactured in model year 2025 and subsequent model years for sale in New Jersey on or after January 1, 2025.

2. Beginning with the model year 2022, any manufacturer that produces on-road vehicles over 8,500 pounds GVWR may generate, bank, and trade ZEV and NZEV credits pursuant to 13 CCR § 1963.2, as incorporated herein by reference.

7:27-31.4 Incorporation by reference

(a) Unless specifically excluded by this subchapter, when a provision of the CCR is incorporated by reference, all notes, comments, appendices, diagrams, tables, forms, figures, publications, and cross-references are also incorporated by reference.

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(b) Supplements, amendments, and any other changes including, without limitation, repeals or stays that affect the meaning or operational status of a California rule incorporated by reference, brought about by either judicial or administrative action and adopted or otherwise noticed by the State of California, shall be paralleled by a similar change to the New Jersey rule, so that the New Jersey rule will have the same meaning and status as its California counterpart.

To satisfy the identity requirement of the Clean Air Act, at 42 U.S.C. § 7507, all new California regulations related to sales requirements for manufacturers of on-road ZEVs and NZEVs over 8,500 pounds GVWR manufactured after model year 2025 are also incorporated into this subchapter by this automatic process.

(c) In the event that there are inconsistencies or duplications in the requirements of the provisions incorporated by reference from the CCR and the rules set forth in this subchapter, the provisions incorporated by reference from the CCR shall prevail.

(d) Nothing in the provisions incorporated by reference from the CCR shall affect the Department's authority to enforce statutes, rules, and permits, or any orders administered or issued by the Commissioner.

(e) On or after December 31, 2021 or the operative date of California's regulations, whichever is later), new California rules, amendments, supplements, and other changes, brought about through administrative or judicial action, automatically incorporated through the prospective incorporation by reference process, shall be effective upon publication in the California Regulatory Notice Register and operative on the operative date cited by California in the relevant California Regulatory Notice Register notice, unless the Department publishes a notice

of proposal repealing the adoption in New Jersey of the California regulation in whole or in part, and/or proposing to otherwise amend the affected New Jersey rules.

(f) The following provisions of the CCR are incorporated by reference within this subchapter, except as provided at (g), (h), (i), and (j) below:

Table 1

Provisions Incorporated by Reference

California Code of Regulations (CCR)

Title 13

Chapter 1

Motor Vehicle Pollution Control Devices

Article 2

Approval of Motor Vehicle Pollution Control Devices (New Vehicles)

Section 1963	Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements
Section 1963.1	Advanced Clean Trucks Deficits
Section 1963.2	Advanced Clean Trucks Credit Generation, Banking, and Trading
Section 1963.3	Advanced Clean Trucks Compliance Determination
Section 1963.4	Advanced Clean Trucks Reporting and Recordkeeping
Section 1963.5	Advanced Clean Trucks Enforcement

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(g) In all provisions of CCR Title 13 incorporated by reference, replace "California" with "New Jersey," except at 13 CCR 1963(c)(11), (12) and (13), and 13 CCR 1963(e), wherein the terms "excluded bus," "executive officer," and "gross vehicle weight rating" or "GVWR" are defined.

(h) In all provisions of CCR Title 13 incorporated by reference, replace "Executive officer" and "CARB" with "Department," except at Section 1963(c) Definitions.

(i) At 13 CCR Title 1963.5(4) incorporated by reference, replace "Health and Safety Code section 43212" with "N.J.A.C. 7:27A-3."

(j) In all provisions of CCR Title 13 incorporated by reference, replace the year "2021" with the year "2022," except at 13 CCR § 1963.2(g).